

Legislature so as to provide for erecting a monument in memory of Captain William M. Logan, in Liberty, Texas, instead of in Old Allen Cemetery in Houston, Texas, and making an appropriation of Four Hundred (\$400.00) Dollars therefor, and providing for the right of acceptance of private donations; the location of such monument to be selected by the County Judge of Liberty County, Texas; and declaring an emergency."

H. B. No. 353, A bill to be entitled "An Act to amend Subsection 86 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the 86th District Court in Kaufman, Van Zandt, and Rockwall Counties, constituting the 86th Judicial District of Texas; etc; and declaring an emergency."

New Member of Committee on Education

The President pro tempore laid before the Senate, and had read, the following letter of resignation:

March 8, 1943.

Hon. John Lee Smith, Lieutenant Governor of Texas.

Dear Governor Smith: Please accept my resignation as a Member of the Educational Affairs Committee pending my return to this Session of the Legislature.

Due to my inability to be present for committee meetings I feel that someone else should be named to fill my place in the committee during my absence.

Respectfully yours,

MARSHALL FORMBY.

The President pro tempore announced the acceptance of the resignation and the appointment of Senator Morris as a Member of the Committee on Education in the place of Senator Formby, resigned.

Adjournment

On motion of Senator Vick, the Senate at 12:20 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

THIRTY-FIRST DAY

(Tuesday, March 9, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Cotten was granted leave of absence for today and indefinitely on account of illness, on motion of Senator Mauritz.

Reports of Standing Committees

Senator Lovelady submitted the following reports:

Austin, Texas,
March 8, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred S. B. No. 172, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but the Committee substitute attached hereto do pass and be printed.

LOVELADY, Chairman.

Senator Moffett submitted the following reports:

Austin, Texas,
March 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C.

R. No. 58, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 59, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 10, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 206, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 252, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Lanning:

S. B. No. 266, A bill to be entitled "An Act directing all agencies of the State Government to submit requests for rental space to the State Board of Control, directing said Board to advertise for bids on said space, at least one time in a newspaper of regular publication in the county where such rental space is sought, excepting from the provisions of this Act rental space that costs less than \$100.00 per annum, requiring that all such contracts be renewed at least every two years; and declaring an emergency."

To Committee on State Affairs.

By Senator Weinert:

S. B. No. 267, A bill to be entitled "An Act to amend Article 119 of the Code of Criminal Procedure of Texas, 1925 Revision, relating to habeas corpus after indictment and after conviction; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senators Brownlee and Vick:

S. B. No. 268, A bill to be entitled "An Act amending S. B. No. 200, Acts of the Forty-sixth Legislature, Regular Session, 1939, by adding thereto Section 11a; and declaring an emergency."

To Committee on Public Health.

By Senator Graves:

S. B. No. 269, A bill to be entitled "An Act to amend Article 1436, Chapter 10 of Title 32 of the Revised Civil Statutes of Texas, 1925."

To Committee on State Affairs.

Message from the Governor

The following message from the Governor was received, read to the Senate, and referred to the Committee on Nominations of the Governor.

Austin, Texas,
March 9, 1943.

To the Senate of the Forty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Assistant Adjutant General of the State of Texas, term to expire January 18, 1945:

Neill H. Banister of Austin, Travis County.

(This appointment is made pursuant to the provisions of Article 5795 and 5796 of the Revised Civil Statutes of Texas, Colonel Banister having been recommended to me by Adjutant General Arthur Knickerbocker.)

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

**Report of Conference Committee on
Senate Bill 24**

Senator Lovelady submitted the following report:

Hon. John Lee Smith, President of the Senate;

Hon. Price Daniels, Speaker of the House of Representatives.

Sir: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on S. B. No. 24, have had the same under consideration and beg leave to recommend that S. B. No. 24 be passed in the form hereto attached.

Respectfully submitted,
LOVELADY,
MAURITZ,
BECK,
RAMSEY,
METCALFE,
On the part of the Senate;
WINFREE,
MONTGOMERY,
GOODMAN,
McMURRY,
RHODES,
On the part of the House.

By Senator Lovelady:

S. B. No. 24.

A BILL
To Be Entitled

"An Act amending Article 6204, Article 6221, and Article 6227 of the Revised Civil Statutes of 1925, as same have been heretofore amended, providing for the assessment and collection of a tax to pay, and the payment of pensions to veterans and their widows; directing the State Comptroller of Public Accounts and the State Treasurer to transfer One

Million, Five Hundred Thousand (\$1,500,000.00) Dollars from the Confederate Pension Fund to the General Revenue Fund in part payment of the amount heretofore advanced by the General Revenue Fund for the purpose of support and maintenance of the homes for Confederate Veterans and their widows, and for the payment of a mortuary warrant; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Article 1, Section 1. That Article 6204 of the Revised Civil Statutes of 1925, as amended by the Legislature in 1931, be amended so as to hereafter read as follows:

"Article 6204. There shall be levied and collected in the same manner and at the same time that other ad valorem taxes are levied and collected for the year of 1925, and annually thereafter, an ad valorem tax of Two (2c) cents on the One Hundred (\$100.00) Dollars valuation thereof on all property owned in the State on the 1st day of January of 1943, and of every year thereafter, and on all property sent out of the State prior to the 1st day of January of any said years for the purpose of evading the payment of taxes thereon and afterwards returned to the State, except so much thereof as may be exempted by the Constitution and laws of this State or of the United States, which valuation shall be made in the manner prescribed by laws for the assessment, levy, and collection of other State and county taxes, which said tax so levied and collected shall be paid into the Treasury of the State of Texas, in the same manner as other State taxes, and shall constitute a special fund for the payment of pensions, as may be provided by law, to Confederate soldiers and their widows, and to other Texas soldiers and militiamen who served during the War between the States entitled to pensions under the laws of Texas, and their widows, and shall constitute a special fund for the payment of such pension in the manner and under the rules and regulations as are and may be prescribed by law. Said fund is hereby expressly appropriated by the Legislature of the State of Texas for the purpose herein stated, and this Act shall not affect or release liability of any person for taxes, penalties, interest or

costs accruing under prior laws, or the right to collect or enforce collection thereof by suit or otherwise."

Sec. 2. That Article 6221 of the Revised Civil Statutes of 1925, as amended by the Legislature in 1929, and as further amended by the Legislature in 1931, be amended so as to hereafter read as follows:

"Article 6221. On the 1st day of each calendar month the Comptroller shall pay to each married veteran who is living with his wife, a pension of Eighty (\$80.00) Dollars per month for as long as they both may live, and after the death of either party, then the said veteran, or his widow still living, shall only draw an amount equal to other veterans or their widows. To each veteran now unmarried, or a widower, who is drawing a pension, or whose application may hereafter be approved, shall be paid the sum of Fifty (\$50.00) Dollars per month for each year. To each widow who is drawing now a pension, or whose application may hereafter be approved, shall be paid the sum of Thirty (\$30.00) Dollars per month for each year; provided that any person who has been granted a pension, and who is thereafter admitted as an inmate of the Confederate Home of this State, shall thereafter be entitled to receive pension payments of the amount of one-half of the pension that such person would be entitled to receive if not an inmate of such Home. (All pensions shall begin on the first day of the calendar month following the approval of the application.)"

Sec. 3. That Article 6221 of the Revised Civil Statutes, as amended by the Acts of the Forty-first Legislature, be amended so as to hereafter read as follows:

"Article 6227. Whenever any pensioner who has been regularly placed upon the pension rolls under the provisions of law relating thereto, shall die and proof thereof shall be made to the Comptroller within forty (40) days from the date of such death by the affidavit of the doctor who attended the pensioner during the last illness, or the undertaker who conducted the funeral, or made arrangements therefor, the Comptroller shall issue a mortuary warrant for an amount not exceeding One Hundred (\$100.00) Dollars payable out of the

Pension Fund, in favor of the heirs or legal representatives of the deceased pensioner, or in favor of the person or persons owning the accounts, (proof of the existence and justice of such accounts to be made to said Comptroller under oath and in such form as he may require for the purpose of paying the funeral expenses of the deceased pensioners. In such cases where a warrant for the pension for the month during which the pensioner died has been issued, the same shall be returned to the Comptroller who shall mark the same "Cancelled" and file it, or if the warrant has been cashed then the Confederate Pension Fund shall be reimbursed with the amount for which the warrant was drawn before the mortuary warrant herein provided for shall issue. Where such warrant for the pension has not been issued, the same shall not be issued but the mortuary warrant herein provided for shall take place thereof.)

Sec. 4. The State Comptroller of Public Accounts and the State Treasurer are hereby authorized and directed to transfer One Million, Five Hundred Thousand (\$1,500,000.00) Dollars from the Confederate Pension Fund to the General Revenue Fund. Such amount so transferred shall be applied as a credit to the advancements heretofore made by the General Revenue Fund for the support and maintenance of the Confederate Veterans' Home and the Confederate Women's Home.

Sec. 5. If any Article, Section, Subsection, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such decision shall not effect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each Section, Subsection, sentence, clause, and phrase thereof irrespective of the fact that it would have passed this Act and each Section, Subsection, sentence, clause, or phrase should be declared unconstitutional.

Sec. 6. The fact that the veterans of the Confederate Army and their widows are rapidly dying, and the importance of this legislation, created an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House

be suspended, and said rule hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

H. C. R. No. 44, To grant K. T. Dunn and others permission to sue the State.

H. C. R. No. 61, Granting each House permission to adjourn from Thursday, March 11, 1943, until Monday, March 15, 1943.

H. C. R. No. 62, Granting the Daughters of Confederacy permission to use the House of Representatives and providing for a joint session.

H. C. R. No. 63, Authorizing the Enrolling Clerk of the House to make a certain correction in H. B. No. 266.

H. B. No. 537, A bill to be entitled "An Act amending Article 3224, Revised Civil Statutes of Texas, 1925, so as to permit idiots and imbeciles who are afflicted with epilepsy to be admitted to the Abilene State Hos-

pital; etc.; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Conference Committee on Senate Bill 5

Senator Moffett called S. B. No. 5 from the President's table for consideration of the House amendments to the bill.

The President pro tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Moffett moved that the Senate do not concur in the House amendments and that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President pro tempore announced the appointment of the following conferees on the part of the Senate:

Senators Moffett, Martin, Lane, Chadick, and York.

House Concurrent Resolution 62

The President pro tempore laid before the Senate and directed the Secretary to read the following resolution:

H. C. R. No. 62, Providing for joint session of the two Houses at 2:30 o'clock p. m. today to honor Major General A. D. Bruce.

Whereas, From time immemorial it has been thought to be fitting and proper to commemorate the valorous deeds and heroic representation of our soldiers, sailors, and marines; and

Whereas, We have a distinguished Texan who served throughout the World War and is now commanding at Camp John B. Hood in the person of Major General A. D. Bruce, whose forefathers not only served in the Confederate Army, but sat in the Confederate Congress. He is now eligible to receive the decoration of the Cross of Distinguished Military Service from the United Daughters of the Confederacy of the Texas Division; and

Whereas, Such an occasion will be highly patriotic and inspiring and will gather together many distinguished

guests, headed by the Governor and the heads of the Departments of Texas; therefore, be it

Resolved, That the House of Representatives set aside and grant to the United Daughters of the Confederacy the use of the hall at the hour of 2:30 p. m. on Tuesday the 9th day of March for this decoration and the ceremonies incident thereto; and, be it further

Resolved by the House of Representatives, the Senate concurring, That this distinguished soldier who is descended from Confederate veterans be present and receive such decoration, and that the Daughters of the Confederacy and his buddies be invited to sit with the members of the House of Representatives and the Senate to witness the presentation of this decoration to General Bruce; and be it further

Resolved, That General Bruce be asked to address the body in joint session, on his splendid work at Camp John B. Hood.

The resolution was read, and on motion of Senator Metcalfe, and by unanimous consent, it was considered immediately and was adopted.

Accordingly, the President pro tempore appointed Senators Metcalfe, Moffett, Lovelady, and Lemens to escort Major General Bruce to the joint session.

House Concurrent Resolution 44

The President pro tempore laid before the Senate, and had read:

H. C. R. No. 44, Authorizing S. T. Dunn and others to sue the State.

On motion of Senator Jones, and by unanimous consent, the resolution was considered at this time.

The resolution was adopted by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

House Concurrent Resolution 63

The President pro tempore laid before the Senate, and had read:

H. C. R. No. 63, Authorizing correction in enrolled copy of H. B. No. 266.

On motion of Senator Mauritz, the resolution was considered immediately.

The resolution was adopted by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

Senate Concurrent Resolution 28

Senator Metcalfe offered at this time:

S. C. R. No. 28, Authorizing S. J. Layne to sue the State.

The resolution was read and was referred to the Committee on State Affairs.

Senate Concurrent Resolution 29

Senator Ramsey offered the following resolution.

S. C. R. No. 29, Recalling S. B. No. 137 from the Governor and authorizing a correction therein.

Whereas, S. B. No. 137 has passed both Houses of the Legislature and is now on the Governor's desk for his signature; and

Whereas, Such bill in the caption as enrolled has an error; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That said bill be recalled from the Governor's office and such error be corrected by rewriting said caption to conform to the body of the bill.

The resolution was read, and, by unanimous consent, it was considered immediately and was adopted.

Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Austin, Texas,
March 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred H. B. No. 225, have had the same under consideration, and recommend that it do pass and be not printed.

CHADICK, Vice Chairman.

Senate Bills on First Reading

By unanimous consent, the following bills were introduced, read first time, and referred to the committees indicated:

By Senator Mauritz:

S. B. No. 270, A bill to be entitled "An Act authorizing guardians, executors, and administrators of any estate or guardianship to apply to the Probate Court for permission to sell and convey easements and rights-of-way to any person, corporation, or political entity, or instrumentality authorized to exercise the power of eminent domain for the purposes for which its power of eminent domain is applicable; providing the application to be accompanied by an appraisal of the property signed by one or more real estate men; providing that the appraisal to contain certain information; giving the judge of the Probate Court certain powers; providing the judge of the Probate Court to approve the application when certain conditions are met; providing the court to approve the conveyance of the guardian, and executor, or administrator upon the determination that the bond of such executor, administrator, or guardian is sufficient or require additional bond if necessary; authorizing the Probate Court to refuse

permission under certain circumstances; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Beck:

S. B. No. 271, A bill to be entitled "An Act to amend Section One, Chapter 16, S. B. No. 287, Acts of the First Called Session of the Thirty-ninth Legislature so as to provide when there is any surplus remaining after the principal and the interest is fully paid on road bonds it may be used by the county political subdivision of the county or any local district that has been or may hereafter be created for the purpose of construction, maintenance, and operation of certain roads and turnpikes or in the aid thereof as may be determined by the commissioners court; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Hazlewood:

S. B. No. 272, A bill to be entitled "An Act to change and prescribe the time for holding the terms of District Court in the 108th Judicial District; validating and continuing all processes issued or served before this Act takes effect and made returnable to the next term of said court as now provided by law and making them returnable to the terms of court as herein fixed; validating the summoning of petit jurors under the present law so as to render them available under this Act; to provide for the continuation of court in session in said district when this Act takes effect; to repeal all laws and parts of laws in conflict herewith; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Hazlewood:

S. B. No. 273, A bill to be entitled "An Act to change and prescribe the time for holding the terms of District Courts in the 47th Judicial District; validating and continuing all processes issued or served before this Act takes effect and made returnable to the next term of said court, including recognizances and bonds, and making them returnable to the next term of court in the counties of said district as herein fixed; validating the sum-

moning of grand and petit jurors under the present law so as to render them available under this Act; to provide for the continuation of any court in session in said district when this Act takes effect; to repeal all laws and parts of laws in conflict herewith; and declaring an emergency."

To Committee on Civil Jurisprudence.

Conference Committee on Senate Concurrent Resolution 7

Senator Brownlee called S. C. R. No. 7 from the President's table for consideration of the House amendments to the resolution.

The President pro tempore laid the resolution and House admendments before the Senate, and the House amendments were read.

Senator Brownlee moved that the Senate do not concur in the House amendments and that a Conference Committee be appointed to adjust the differences between the two Houses on the resolution.

The motion prevailed.

Accordingly, the President pro tempore announced the appointment of the following conferees on the part of the Senate:

Senators Brownlee, Aikin, Lanning, Moore, and Vick.

House Concurrent Resolution 58

On motion of Senator Martin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 58, Authorizing correction in enrolled copy of H. B. No. 241.

The President pro tempore laid the resolution before the Senate, and it was read and was adopted.

Senate Bill 150 on Third Reading

The President pro tempore laid before the Senate on its third reading and final passage:

S. B. No. 150, A bill to be entitled "An Act to amend Article 666, Title 20, Chapter 4, Revised Civil Statutes of Texas 1925, to provide for a method of selling, disposing or transferring of State property which has become unfit for use, or no longer needed;

providing a notice of sale; and providing for disposition of monies received from sale; and providing for a final report covering sale and disposition."

(Senator Lanning in the Chair.)

The bill was read third time.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 150 by adding a new Section to be known as Section 2, which shall read as follows:

"The importance of this legislation creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall be in full force and in effect from and after its passage."

The amendment was adopted unanimously.

The bill was passed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

Senate Bill 224 Re-referred

On motion of Senator Lovelady, and by unanimous consent, S. B. No. 224 was re-referred from the Committee on Criminal Jurisprudence to the Committee on Civil Jurisprudence.

Motion to Take up Senate Bill 43

Senator Moore moved that the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 43 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the Senate's entire membership):

Yeas—17

Aikin	Moffett
Beck	Moore
Bullock	Morris
Chadick	Shivers
Graves	Stone
Jones	Sulak
Lanning	Weinert
Mauritz	Winfield
Metcalf	

Nays—7

Brownlee	Martin
Hazlewood	Vick
Lane	York
Lovelady	

Absent

Lemens	Ramsey
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Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

(Senator Metcalfe in the Chair.)

Senate Bill 160 on Second Reading

Senator Lanning moved that the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 160 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 160, A bill to be entitled "An Act to provide for the placing of imprint plates on all State owned postage meters; providing certain information to be placed on the imprint plates; providing a fine for the use of such machine for private purposes; providing for the payment of cost and installation of such plates; and declaring an emergency."

(President pro tempore in the Chair.)

The bill was read second time and was passed to engrossment.

Senate Bill 160 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 160 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Hazlewood
Beck	Jones
Brownlee	Lane
Bullock	Lanning
Chadick	Lemens
Graves	Lovelady

Martin	Shivers
Mauritz	Stone
Metcalf	Sulak
Moffett	Vick
Moore	Weinert
Morris	Winfield
Ramsey	York

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

Senate Bill 7 on Second Reading

Senator Graves moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 7 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

The President pro tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 7, A bill to be entitled "An Act to amend Article 4766, Revised Civil Statutes of 1925, as thereafter amended [relating to investments of life insurance companies]; and declaring an emergency."

The bill was read second time.

Senator Graves offered the following committee amendment to the bill:

Amend S. B. No. 7 by adding after the word "reserve" in line 31 of the printed bill the following:

"But this provision shall apply only to United States Government Bonds

purchased between December 8, 1941, and the termination of the war in which the United States is now engaged."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 7 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 7 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent

Metcalf

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Nays—2

Lane Mauritz

Absent—Excused

Cotten Kelley
Fain Spears
Formby

Senate Bill 8 on Second Reading

Senator Graves moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 8 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin Mauritz
Beck Metcalfe
Brownlee Moffett
Bullock Moore
Chadick Morris
Graves Ramsey
Hazlewood Shivers
Jones Stone
Lane Sulak
Lanning Vick
Lemens Weinert
Lovelady Winfield
Martin York

Absent—Excused

Cotten Kelley
Fain Spears
Formby

The President pro tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 8, A bill to be entitled "An Act to amend Article 4740, Revised Civil Statutes of 1925; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 8 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 8 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin Brownlee
Beck Bullock

Chadick Moffett
Graves Moore
Hazlewood Morris
Jones Ramsey
Lane Shivers
Lanning Stone
Lemens Sulak
Lovelady Vick
Martin Weinert
Mauritz Winfield
Metcalf York

Absent—Excused

Cotten Kelley
Fain Spears
Formby

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin Mauritz
Beck Metcalfe
Brownlee Moffett
Bullock Moore
Chadick Morris
Graves Ramsey
Hazlewood Shivers
Jones Stone
Lane Sulak
Lanning Vick
Lemens Weinert
Lovelady Winfield
Martin York

Absent—Excused

Cotten Kelley
Fain Spears
Formby

Senate Concurrent Resolution 30

Senator Metcalfe, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 30, Providing for a joint session of the Senate and House on Thursday, March 11, 1943, at 11:00 o'clock a. m. to hear an address by Hon. Fulton Lewis, Jr.

Whereas, The committee authorized by the terms of S. C. R. No. 20 has extended to the Honorable Fulton Lewis, Jr., an invitation to address a joint session of the Texas Legislature; and

Whereas, Mr. Lewis has advised this committee that he will be able to attend such a session at 11:00 a.

m., Thursday, March 11th; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That a joint session be held in the Hall of the House of Representatives at 11:00 a. m., Thursday, March 11th, for the purpose of hearing an address by the Honorable Fulton Lewis, Jr.

METCALFE,
LANNING,
LANE,
MOFFETT,
BROWNLEE.

The resolution was read; and on motion of Senator Metcalfe, and by unanimous consent, it was considered immediately.

The resolution was adopted.

Senate Bill 9 on Second Reading

Senator Graves moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 9 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

The President pro tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 9, A bill to be entitled "An Act to amend Article 4725, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

(Senator Chadick in the Chair.)

The bill was read second time and was passed to engrossment.

Senate Bill 9 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 9 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—15

Beck	Moore
Graves	Morris
Hazlewood	Shivers
Jones	Stone
Lanning	Vick
Lemens	Weinert
Lovelady	York
Martin	

Nays—10

Aikin	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Sulak
Lane	Winfield

Absent

Ramsey

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

(President pro tempore in the Chair.)

Bills and Resolutions Signed

The President pro tempore signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

S. C. R. No. 11, Granting permission to Mr. and Mrs. Frank Lee to sue the State.

S. C. R. No. 27, Rescinding resolution providing joint session to hear Honorable Fulton Lewis, Jr.

S. B. No. 13, A bill to be entitled "An Act to amend Article 2529, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

S. B. No. 14, A bill to be entitled "An Act to amend Article 4180, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

S. B. No. 15, A bill to be entitled "An Act to amend Article 2560, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

S. B. No. 16, A bill to be entitled "An Act to amend Article 2547, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

S. B. No. 17, A bill to be entitled "An Act to amend Article 926, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

H. C. R. No. 62.

H. C. R. No. 63.

Senate Bill 96 on Second Reading

Senator Martin moved that the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 96 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lanning
Beck	Lemens
Brownlee	Lovelady
Bullock	Martin
Chadick	Mauritz
Graves	Metcalf
Hazlewood	Moffett
Jones	Moore
Lane	Morris

Ramsey
Shivers
Stone
Sulak

Vick
Weinert
Winfield
York

Absent—Excused

Cotten
Fain
Formby

Kelley
Spears

The President pro tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 96, A bill to be entitled "An Act amending Article 4580, Chapter 12, Title 71, of the Revised Civil Statutes of the State of Texas, 1925, relating to the revocation of licenses issued by the State Board of Embalmers; providing a savings clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Chadick offered the following amendment to the bill:

Amend S. B. No. 96 by striking out in line 36, page 2 of the printed bill the words "in such" and all of lines 37 and 38, and insert in lieu thereof, the following:

"In such suit the burden of same shall be upon the State Board of Embalming."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 96 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 96 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Cotten
Fain
Formby

Kelley
Spears

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Cotten
Fain
Formby

Kelley
Spears

Motion to Take up Senate Bill 97

Senator Martin moved that the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 97 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the entire membership of the Senate):

Yeas—18

Aikin	Martin
Beck	Mauritz
Graves	Metcalf
Hazlewood	Moffett
Jones	Moore
Lane	Stone
Lanning	Sulak
Lemens	Weinert
Lovelady	Winfield

Nays—7

Brownlee	Ramsey
Bullock	Shivers
Chadick	York
Morris	

Absent

Vick

Absent—Excused

Cotten
Fain
Formby

Kelley
Spears

Motion to Take up Senate Bill 155

Senator Weinert moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 155 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the entire membership of the Senate):

Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Stone
Lanning	Sulak
Lemens	Weinert
Lovelady	Winfield
Martin	York

Nays—2

Chadick Vick

Absent—Excused

Cotten
Fain
Formby

Kelley
Spears

House Bill 225 on Second Reading

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up H. B. No. 225 for consideration at this time:

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 225, A bill to be entitled "An Act to authorize the appointment and employment of a 'Night Chief Deputy' in addition to the first assistant or Chief Deputy now authorized, in the sheriff's office in all counties having a population of five hundred thousand (500,000) or more, according to the last preceding Fed-

eral Census, fixing the salary, the method and manner of making the appointment, and employment, requiring two years prior service as deputy sheriff as a prerequisite to this appointment, etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 225 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 225 be placed on its third reading and final passage:

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote.

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

Senate Bill 101 on Second Reading

On motion of Senator Hazlewood, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 101, A bill to be entitled "An Act to amend Article 7005 and Section 2 of Article 7008 of the Revised Civil Statutes of the State of Texas of the Year 1925 Codification, as amended by the Acts of the Forty-fifth Legislature, striking the County of Deaf Smith from the exempted list of counties named in such Article; and declaring an emergency."

The President pro tempore laid the bill before the Senate on its second reading and passage to engrossment:

The bill was read second time and was passed to engrossment.

Senate Bill 101 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 101 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Bullock
Beck	Chadick
Brownlee	Graves

Hazlewood	Moore
Jones	Morris
Lane	Ramsey
Lanning	Shivers
Lemens	Stone
Lovelady	Sulak
Martin	Vick
Mauritz	Weinert
Metcalfe	Winfield
Moffett	York

Absent—Excused

Cotten	Kelley
Fain	Spears
Formby	

Designation of Presiding Officer

The President pro tempore designated Senator Mauritz to act as presiding officer of the Senate in the absence of the President and the President pro tempore.

Recess

On motion of Senator Moffett, the Senate, at 12:15 o'clock p. m., took recess to 2:25 o'clock p. m.

Afternoon Session

The Senate met at 2:25 o'clock p. m., and was called to order by Senator Mauritz.

Hour to Which Senate Shall Adjourn

Senator Ramsey moved that at the conclusion of the joint session to be held in the Hall of the House of Representatives today, the Senate stand adjourned until 10:00 o'clock a. m. tomorrow.

The motion prevailed.

Joint Session

At 2:30 o'clock p. m. the Presiding Officer of the Senate (Senator Mauritz in the Chair) requested the Senate to repair to the Hall of the House of Representatives to meet in joint session with the House and attend the ceremony at which the cross of distinguished military service would be presented to Major General A. D. Bruce by the United Daughters of the Confederacy.

The Honorable Senators proceeded in a body to the Hall of the House

and were duly announced and escorted to seats prepared for them along the center aisle.

Major General A. D. Bruce and his party, accompanied by Governor Coke R. Stevenson, Mrs. W. W. Turner, president of the Wilson Wakefield Chapter of the United Daughters of the Confederacy, and Mrs. J. E. Callahan, third vice president of the Texas Division of the United Daughters of the Confederacy, were announced at the bar of the House and were escorted to the Speaker's rostrum by Senators Lemens, Metcalfe, Moffett, and Lovelady, on the part of the Senate, and by Representatives Hoyo, Evans, Blankenship, Brawner, Goodman of Tarrant, Goodman of Midland, Leonard, Wood, Morse, Hanna, Lansberry, and Helpenstill, on the part of the House.

President pro tempore Lemens called the Senate to order and announced a quorum of the Senate present.

Speaker Price Daniel called the House to order, ascertained and announced the presence of a quorum of the House, and also announced the purpose of the joint session.

Major General A. D. Bruce (a veteran of World War One and a direct descendant of Confederate veterans) having been introduced to the joint session by President pro tempore Lemens and having heard the reading of the citation of award by Mrs. J. E. Callahan, was then decorated with the cross of distinguished military service by Mrs. W. W. Truner.

Major General Bruce then addressed the joint session and the assemblage and expressed his appreciation for the honor conferred upon him.

Adjournment

At the conclusion of the address, the President pro tempore announced that the joint session had been concluded and, at 3:25 o'clock p. m., declared the Senate adjourned (in accordance with a motion previously agreed to) until 10:00 o'clock a. m. tomorrow.